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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-sixth session
Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

Rapporteur: Mr. Osman El-Hajjé

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XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

(a) Question of human rights of persons subjected to any form of detention or imprisonment

(b) Question of human rights and states of emergency

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(d) The right to a fair trial

(e) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

1. The Sub-Commission considered item 10, at its 23rd, 26th, 27th, 29th, 30th and ... meetings, on 17, 19, 22, 23 and ... August 1994.

2. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the sessional Working Group on the Administration of Justice and the Question of Compensation (E/CN.4/Sub.2/1994/22);

Seventh revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1994/23);

The right to a fair trial: current recognition and measures necessary for its strengthening: final report prepared by Mr. Stanislav Chernichenko and Mr. William Treat (E/CN.4/Sub.2/1994/24);

National practices related to the right to a fair trial: report of the Secretary-General (E/CN.4/Sub.2/1994/25 and Add.1);

Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1993/26 (E/CN.4/Sub.2/1994/26);

Note verbale dated 10 May 1994 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1995/6-E/CN.4/Sub.2/1994/42);

Note verbale dated 12 July 1994 from the Permanent Mission of the State of Kuwait to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1995/9-E/CN.4/Sub.2/1994/44);

Comunicación presentade por escrito por la Comisión para la Defensa de los Derechos Humanos en Centroamérica, organización no gubernamental reconocida como entidad consultiva de la Categoría II (E/CN.4/Sub.2/1994/NGO/6);
Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/8);
Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1994/NGO/10);
Communication écrite présentée par le Centre Europe-tiers monde, organisation non gouvernementale inscrite sur la liste (E/CN.4/Sub.2/1994/NGO/28);

3. At the 23rd meeting, on 17 August 1994, Mr. William Treat, introduced the final report, prepared by Mr. Stanislav Chernichenko and himself (E/CN.4/Sub.2/1994/24).

4. At the 26th meeting, on 19 August 1994, Ms. Claire Palley, Chairperson-Rapporteur of the Working Group on Administration of Justice and the Question of Compensation, introduced the report of the Working Group (E/CN.4/Sub.2/1994/22).

5. At the 30th meeting, on 23 August 1994, Mr. Joinet introduced the seventh revised annual report on human rights and states of emergency on behalf of Mr. Leandro Despouy (E/CN.4/Sub.2/1994/23).

6. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Chernichenko (27th), Ms. Daes (26th), Mr. Fix Zamudio (26th), Mr. Guissé (26th), Mr. Hakim (26th), Mr. Hatano (26th), Mr. Khan, Mr. Limón Rojas (26th), Mr. Merrils (26th), Mr. Yokota (23rd) and Mr. Yimer (26th).

7. Statements were made by the observers for Pakistan (30th) and the Russian Federation.

8. A statement was made by the representative for the United Nations Crime Prevention and Criminal Justice Branch (26th).

9. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: France-Libertés: Fondation

Danielle-Mitterrand (27th), Indian Commission of Jurists (29th), International Commission of Jurists (27th), International Educational Development, Inc. (29th), International Falcon Movement-Socialist Educational International (30th), International Federation of Human Rights (27th), International Federation of University Women (29th), International Human Rights Association of American Minorities (29th), International Islamic Federation of Student Organizations (27th), International League for Human Rights (29th), International League for the Rights and Liberation of Peoples (27th), International Movement for Fraternal Union among Races and Peoples (30th), International Organization against Torture (29th), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th), Movement against Racism and for Friendship among Peoples (27th), Pax Christi International (29th), Service Peace and Justice in Latin America (29th), World Federation of Democratic Youth (29th), World Federation of Trade Unions (27th) and World Society of Victimology (27th).

10. A joint statement was made by the observers for the non-governmental organizations Liberation and the Regional Council on Human Rights in Asia (29th).

11. Statements equivalent to a right of reply were made by the observers for: Democratic People's Republic of Korea (30th), Iran (Islamic Republic of) (30th), Morocco (30th), Turkey (30th) and Viet Nam (30th).

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